

REMARKS

A Request for Continued Examination (RCE) is being filed concurrently with this Amendment. Accordingly, the Examiner is respectfully requested to enter and consider the amendments and remarks presented herein, which are believed to place the application in condition for immediate allowance.

By the Amendment herewith, claim 1 is amended to include the features of claim 6 and also is amended for improved clarity. The other independent claims (claims 7, 13, 17 and 25) are amended correspondingly to claim 1. Claims 6 and 9 are cancelled. Claims 2 and 8 also are amended for improved clarity.

No new matter is introduced into the application as a result of the foregoing changes.

Accordingly, upon entry of this Amendment, claims 1-2, 7-8, 13, 17 and 25 are pending. Of those claims, claims 1, 7, 13, 17 and 25 are independent.

In the outstanding Office Action, the Examiner has withdrawn the prior rejections in view of Applicant's Amendment of September 1, 2009. However, the Examiner now raises a new ground of rejection. In particular, all claims are now rejected under 35 USC Section 102(a) as lacking novelty in view of Ahmavaara ("Broadcast and Multicast Networks").

The foregoing rejection is respectfully disagreed with, and is traversed below.

Ahmavaara relates to broadcast TV services, and discloses time slicing and forward error correction. Ahmavaara also uses the term "DVB-T parameters" (see section 5.1). However, the DVB-parameters of Ahmavaara (in Table 1) do not include indications as to whether "the signal carries time-sliced elementary streams", or "whether the signal has a forward error correction framing structure" as recited in Applicant's independent claim 1.

Ahmavaara discloses that "the time-sliced system shall be backwards compatible with

terminals not supporting time-slicing; the receivers simply stay ON all the time and receive all data transmitted [instead of switching OFF between bursts of a particular time-sliced elementary stream]” (see section 3.4). However, there is no disclosure (or suggestion) as to whether the receivers are aware if the signal is time-sliced or not. For example, a time-slice capable receiver may be compatible with only time-sliced signals, while non-time-slice capable receivers are continuously ON regardless of whether or not the signal contains time-sliced elementary streams. Thus, there may be no need for either receiver to be aware as to whether the signal contains time-slice elementary streams or not.

Consequently, it is clear that Ahmavaara does not disclose (or even suggest) the claimed feature of “determining from the decoded transmission parameter information if the signal carries time-sliced elementary streams”.

Similarly, although Ahmavaara discusses forward error correction (FEC), there is no disclosure (or suggestion) that the receivers can “determin[e] from the decoded transmission parameter signaling data whether the signal has a forward error correction framing structure” as also recited in Applicant’s independent claim 1.

For at least the foregoing reasons, independent claim 1 is patentable over Ahmavaara.

Moreover, independent claim 1 is further distinguished by virtue of features of former claim 6 that are now incorporated into claim 1.

In the outstanding Office Action, the Examiner rejects former claim 6 as lacking novelty in view of Ahmavaara. The Examiner cites section 4.1 and Figures 2 and 3 as being relevant in this regard. Applicant respectfully disagrees with the Examiner’s analysis as it is not understood how the sections cited by the Examiner are of relevance. It is also not clear how the Examiner has interpreted section 4.1 and Figures 2 and 3 of Ahmavaara as disclosing “a cellular network which determines the “ON”/“OFF” which is a layer 1 while the quality of service is at layer 2” as described in the Office Action. Applicant respectfully notes that it appears that the only similarity that exists between the cited section and figures and the subject matter of Applicant’s former claim 6 (now incorporated into claim 1) is that they

include the term “level”. However, in Ahmavaara, “level” is used in the context of “high level architecture of the integrated IPDC and cellular system...” (see section 4.1) and “high level position of peer to peer multicast and broadcast service focus areas...” (see the description of Figure 2). In contrast, the term “level” in former claim 6 (now in claim 1) refers to the level of a signal, the meaning of which is well understood in the field. This is clear from the claim 1 in which it is recited that “the signal includ[es] the transmission parameter signaling data on a lower level than a level on which service information is included”. The subject matter of former claim 6 is now present in claim 1 and as such claim 1 is further distinguished from Ahmavaara.

Thus, independent claim 1 is patentable over Ahmavaara for this additional reason.

Regarding dependent claim 2, the Examiner appears to consider the disclosure of section 3.4 of Ahmavaara to be relevant to the subject matter of claim 2. Applicant respectfully disagrees as claim 2, as amended, specifies “disregarding the signal on the basis of determining that the signal does not carry time-sliced elementary streams”. Section 3.4 of Ahmavaara describes a mechanism of receiving a time-sliced signal (i.e. that the receiver is ON during bursts and OFF for the rest of the time). Time-slicing (which is well known in the field of digital broadcasting) is a mechanism wherein a stream of data of a relatively low bit-rate is transmitted as a plurality of high bit-rate bursts interspersed with periods in which no data is transmitted. The plurality of high bit-rate bursts constitutes a time-sliced stream. A receiver can recreate the low bit-rate data by receiving each of the high-bit rate bursts. The receiver can be switched off between bursts so as to save power. According to claim 2, the receiver disregards the signal if it determines from the transmission parameters that the signal does NOT contain time-sliced elementary streams. This is different than turning the receiver off in between bursts of a time-sliced elementary stream, which is the disclosure of Ahmavaara.

In view of the above, it is respectfully asserted that the subject matter of claim 2 is not disclosed (or suggested) by Ahmavaara. As such, claim 2 is contended to be patentable, not only by virtue of the novel features of claim 1, but also as a result of the features specified therein.

Independent claims 7, 13, 17 and 25 include features corresponding to those discussed with reference to claim 1. Claims 13, 17 and 25 relate to the transmitter side, but include features corresponding to those discussed above as distinguishing claim 1 over Ahmavaara. Consequently, for at least the reasons described with reference to claim 1, claims 7, 13, 17 and 25 are also contended to be patentable over the prior art of record. Dependent claim 8 corresponds with claim 2 and thus, for at least the reasons described above with reference to claim 2, is contended to be patentable.

Based on the above explanations and arguments, it is clear that the references cited cannot be seen to disclose or suggest the pending claims. The Examiner is respectfully requested to reconsider and remove the outstanding rejections and to allow all of the pending claims. Favorable consideration that results in a Notice of Allowance is therefore earnestly solicited.

Should the Examiner have any questions, a call to the undersigned attorney would be sincerely appreciated.

Respectfully submitted:

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2-8-2010

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